

ENTERED

April 22, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONJASMINE BABINEAUX, *et al.*,

Plaintiffs,

VS.

WELLS FARGO BANK, N.A.,

Defendant.

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CIVIL ACTION NO. 4:23-CV-01563

ORDER

Before the Court is United States Magistrate Judge Yvonne Y. Ho's Memorandum and Recommendation filed on March 29, 2024. Doc. #77. The deadline for filing objections has passed, and no objections have been filed. Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Memorandum and Recommendation for clear error. *See also United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, the Court adopts the Memorandum and Recommendation in its entirety.

Accordingly, Defendant Wells Fargo Bank, N.A.'s ("Wells Fargo") Motion for Summary Judgment (Doc. #70) is GRANTED. Further, with regard to the property located at 6111 Westover Street, Houston, Texas 77003, and legally described as: LOT THIRTY-ONE (31), IN BLOCK SEVEN (7) OF BELFORT PARK, SECTION ONE (1), A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 38, PAGE 18 IN THE MAP RECORDS OF HARRIS COUNTY, TEXAS (hereinafter, the "Property"), the following instruments are invalid and of no effect:

- The Rescissions of Substitute Trustee's Deed; Deed of Trust and Assignment of Deed of Trust, RP-2021-498201, dated and filed on August 31, 2021;

- The General Warranty Deed, RP-2022-544955, dated November 7, 2022, and filed on November 9, 2022; and
- The General Warranty Deed, RP-2023-170344, dated May 5, 2023, and filed on May 10, 2023.

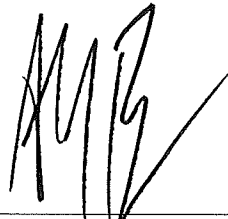
Furthermore, Plaintiffs Jasmine Babineaux and Yolanda Frank-Broussard are hereby PERMANENTLY ENJOINED from filing, in the real property records, any further documents or instruments concerning the Property.

Finally, Wells Fargo's other counterclaims for trespass to try title, real estate fraud, statutory fraud, common law fraud, theft, and conspiracy (Doc. #60 at 11–16) remain pending.

It is so ORDERED.

APR 22 2024

Date



The Honorable Alfred H. Bennett
United States District Judge